

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

In re:	)	MDL No. 1456
	)	Civil Action No. 01-12257-PBS
	)	
PHARMACEUTICAL INDUSTRY	)	Subcategory No. 06-11337
AVERAGE WHOLESALE PRICE	)	
LITIGATION	)	
_____	)	
	)	
THIS DOCUMENT RELATES TO:	)	
United States of America ex rel. Ven-A-Care of	)	Judge Patti B. Saris
the Florida Keys, Inc., by and through its principal	)	
officers and directors, Zachary T. Bentley and	)	
T. Mark Jones v. Actavis Mid Atlantic LLC, et al.)	)	
Civil Action No. 08-cv-10852	)	

JOINT NOTICE OF SETTLEMENT OF VEN-A-CARE CLAIMS AS TO THE  
MYLAN PARTIES AND REQUEST THAT COURT DISMISS SETTLED CLAIMS IN  
ACCORDANCE WITH STIPULATION OF DISMISSAL WITH PREJUDICE OF  
MYLAN PARTIES AND MOTION FOR ORDER OF DISMISSAL WITH PREJUDICE

Ven-A-Care of the Florida Keys, Inc. (the "Relator") and Mylan Inc. (f/k/a Mylan Laboratories Inc.), Mylan Pharmaceuticals Inc. and Mylan Institutional Inc. (f/k/a UDL Laboratories, Inc.) (foregoing three collectively, "Mylan" or the "Mylan Parties") hereby notify the Court that they have reached a comprehensive settlement, of all matters between them, in the above action under the qui tam provisions of the federal False Claims Act, 31 U.S.C. § 3729, et seq. The Relator and Mylan have filed herewith their Stipulation of Dismissal with Prejudice attached to which are copies of the fully executed Settlement Agreement and Release (Exhibit A) and the proposed Order of Dismissal With Prejudice (Exhibit B). The Relator and Mylan jointly request that the Court consent to the dismissal pursuant to 31 U.S.C. §3730(b)(1) and enter the proposed Order of Dismissal With Prejudice and further state as follows:

1 The Settlement also encompasses settlement of the Relator's companion state qui tam claims relating to California. This Court's approval of the Settlement and entry of the proposed Order of Dismissal with Prejudice is a condition to the settlement as to California.

2. California has joined in the Settlement and the United States has given its consent which is attached as Exhibit 1. The Relator has been instructed by the United States to file its executed consent with the Court as provided in the Settlement Agreement.

Wherefore, the Relator and Mylan request that the Court consent to the settlement and dismissal and enter the Order of Dismissal With Prejudice in accordance with the parties' Stipulation filed herewith.

Respectfully submitted,

/s/ James J. Breen  
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**Counsel for Mylan Parties**

### **CERTIFICATE OF SERVICE**

I hereby certify that true and accurate copies of the foregoing document, filed this 27<sup>th</sup> day of February, 2012 via the Court's ECF system, will be sent electronically by the ECF system to the registered participants as identified on the Notice of Electronic Filing (NEF) and to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/ James J. Breen  
JAMES J. BREEN